

Thomas H. Billingslea, Jr.
Chapter 13 Standing Trustee
401 West 'A' Street, Suite 1680
San Diego, California 92101
Phone: (619) 233-7525

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

In re:

Case No.
(Chapter 13)

**MOTION TO DISMISS CASE, NOTICE OF
MOTION WITH RIGHT TO REQUEST HEARING**

Debtor(s).

1. MOTION TO DISMISS CASE FOR MATERIAL DEFAULT OF PLAN PROVISIONS

Thomas H. Billingslea, Jr., Chapter 13 Trustee, hereby moves the Court to dismiss this case and alleges there has been a material default by the Debtor(s) of the confirmed Plan in that Debtor(s) failed to:

Make payments to the Trustee pursuant to such plan.

2. NOTICE OF MOTION & RIGHT TO REQUEST HEARING

You are hereby notified that if you object to entry of an order dismissing this case, **YOU ARE REQUIRED:**

- a. **To obtain a hearing date and time for the appropriate Courtroom Deputy for the judge assigned to this bankruptcy case. Determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of the Motion. If the case number is followed by the letters:**

MM	-	call (619) 557-7407	-	DEPARTMENT ONE (Room 218)
LA	-	call (619) 557-6594	-	DEPARTMENT TWO (Room 118)
LT	-	call (619) 557-6018	-	DEPARTMENT THREE (Room 129)
CL	-	call (619) 557-6019	-	DEPARTMENT FIVE (Room 318)

- b. **WITHIN 28 DAYS¹ FROM THE DATE OF SERVICE OF THIS MOTION**, to serve a copy of a **REQUEST AND NOTICE OF HEARING**, [Form CSD 1175²] and a **DECLARATION IN OPPOSITION**, upon Thomas H. Billingslea, Jr., Trustee, to file the original and one copy of the papers and proof of service with the Clerk, U.S. Bankruptcy Court, 325 West F Street, San Diego, California, 92101.

You are further notified that **IF YOU FAIL TO REQUEST AND SERVE NOTICE OF HEARING within the 28 day period provided by this notice, the Trustee will present an order dismissing this case to the Court for entry without any hearing or further notice to you.**

Dated:

/s/ Thomas H. Billingslea, Jr.
THOMAS H. BILLINGSLEA, JR., TRUSTEE

¹ Depending on how you were served, you may have additional time for response. See FRBP 9006.

² You may obtain Local Form CSD 1175 from the office of the Clerk of the U.S. Bankruptcy Court.